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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,304	03/15/2002	Tatsuji Nagaoka	9683/109	2923

7590 10/18/2006

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EXAMINER	
PENG, FRED H	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,304	NAGAOKA ET AL.	
	Examiner	Art Unit	
	fred peng	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/15/02,10/13/04,7/7/05,2/17/06.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al (US 5,721,583).

Regarding Claims 1 and 9, Harada anticipates a program providing system comprising:

A broadcast receiver (FIG.1 102, FIG.3A 2200, FIG.18A 306) for receiving program data broadcasted from a broadcast station and providing a user with a program represented by the program data; and

A mobile terminal (FIG1. 104, FIG.3A 2300, FIG.18A 301) accommodated by a mobile communication network (Col 23 lines 63-67) and having a function of transmitting a control signal including identification of a user (Col 5 lines 61-65),

Wherein said broadcast receiver comprises:

A memory (FIG.3A 2205) for storing attribute information and identification information of one or more users correspondingly (FIG.5, Col 18 lines 3-5, lines 9-12);

A receiving unit (FIG.3A 2203) for receiving the control signal from said mobile terminal; and

A control unit (FIG.3A 2201) for reading from said memory attribute information corresponding to the identification information included in the control signal received by the receiving unit (FIG.6, Col 18 lines 55-59), and receiving a request for provision of the program according to the attribute information (FIG.6, Col 18 lines 29-32).

Regarding Claim 2, Harada further anticipates said mobile attaches the identification information to all control signals for transmission to said broadcast receiver (FIG.7, Col 5 lines 61-

65, remote control apparatus ID is attached to all response data from remote control apparatus, mobile terminal).

Regarding Claims 3 and 11, Harada further anticipates said control unit provides a user interface (FIG.3A 2400, FIG.6, Col 18 lines 32-39) according to the attribute information corresponding to the identification information included in the received control signal.

Regarding Claims 4 and 12, Harada further anticipates said broadcast receiver receives a broadcasting schedule (FIG.6, validity term information indicating the polling program time interval, Col 18 lines 46-48), which includes attributes of the program (FIG.6, polling request data, describing the attribute of the polling program), broadcasted from the broadcasting station; and said control unit does not allow a user to receive a program, of which attribute is not congruous with the attribute information of the user (FIG.6, personal attribute information attachment allows only the user in the user attribute information list to receive the polling program).

Regarding Claim 5, Harada further anticipates said broadcast receiver transmits program data received from said broadcasting station to said mobile terminal and said mobile terminal receives program data sent from said broadcast receiver to provide a user with a program represented by the program data (FIG.9B, S11, Col 20 lines 30-35, broadcasting station transmitting polling program results to mobile remote control via remote terminal in response to the polling program).

Regarding Claim 7, Harada further anticipates said broadcast receiver transmits information, which is necessary for said mobile terminal to receive program data from said broadcasting station via said mobile communication network, to said mobile terminal (FIG.9B, S11, broadcast center sends the polling results to mobile terminal, remote control apparatus, via broadcast receiver, terminal apparatus); and

Said mobile terminal has a function of communicating with said broadcasting station via said mobile communication network (FIG.18A 307, 310, 320) receives the information sent from said broadcast receiver (FIG. 6, Col 18 lines 55-65), transmits a signal representing a request for transmission of program data to said broadcasting station according to the information (FIG.7, Col

18 lines 66-67, Col 19 lines 1-11, lines 17-21), receives the program data sent from said broadcasting station responsive to the request, and provides a user with a program represented by the program data (FIG.9B, S11, broadcast center sends the polling results to mobile terminal, remote control apparatus, via broadcast receiver, terminal apparatus).

Regarding Claim 8, Harada further anticipates the amount of program data received by said mobile terminal is smaller than that received by said broadcast receiver receives from said broadcasting station (Col 18 lines 55-65, FIG.6, a polling request data set is received by the terminal apparatus, broadcast receiver, while remote control apparatus, mobile terminal, only receives personal attribute information list).

Regarding Claim 10, Harada further anticipates a broadcast receiver from Claim 9, wherein said broadcast receiver transmits the received program data to said mobile terminal (Col 18 lines 63-65, broadcast receiver, terminal apparatus, transmits personal attributes information list to mobile terminal, remote control apparatus).

Regarding Claim 13, Harada anticipates a mobile terminal (FIG1. 104, FIG.18A 301) accommodated by a mobile communication network (Col 23 lines 63-67), wherein:
Said mobile terminal transmits a control signal representing a request for provision of a program and including identification information of a user, to a broadcast receiver (FIG.7, Col 18 lines 66-67, Col 19 lines 1-11) which receives program data broadcasted from a broadcasting station and provides a user with a program represented by the program data (FIG.6, the polling program data is sent from broadcast center, broadcast station, to remote control apparatus via terminal apparatus); receives the program data sent from said broadcast receiver; and provides a user with a program represented by the program data (Col 18 lines 29-36).

Regarding Claim 14, Harada further anticipates said mobile terminal has a function of communicating with said broadcasting station via said mobile communication network (FIG.1 101, 102, 104), receives information which is necessary to receive program data from said broadcasting station via said mobile communication network, from said broadcast receiver (FIG. 6 Col 18 lines 55-65, broadcast center sends poll request data to mobile terminal via broadcast

receiver), transmits to said broadcasting station a signal representing transmission of program data according to the information (Col 19 lines 19-21, Mobile terminal sends poll response back to broadcast station), receives program data sent from said broadcasting station responsive to the request (FIG.9B, S11, broadcast center sends the polling results to mobile terminal), and provides a user with a program represented by the program data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (US 5,721,583) in view of Houser (US 5,774,859).

Regarding Claim 6, Harada does teach all the limitations in Claim 1. Harada does not teach communication is carried out by radio between said broadcast receiver and said mobile terminal.

In an analogous art, Houser does teach communication is carried out by radio between said broadcast receiver and said mobile terminal (Col 6 lines 35-39).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Harada with communication is carried out by radio between said broadcast receiver and said mobile terminal taught by Houser (Col 6 lines 35-39) as a cheaper option to establish a wireless communication for remote control.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 08:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2147.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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